

Austin & Rogers, P.A.

ATTORNEYS AND COUNSELORS AT LAW

WILLIAM FREDERICK AUSTIN
(1930-2016)

TIMOTHY F. ROGERS
RAYMON E. LARK, JR.
RICHARD L. WHITT
EDWARD L. EUBANKS
W. MICHAEL DUNCAN*

COLUMBIA OFFICE
CONGAREE BUILDING
508 HAMPTON STREET, SUITE 300
POST OFFICE BOX 11716 (29211)
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 256-4000
FACSIMILE: (803) 252-3679
WWW.AUSTINROGERSPA.COM

OF COUNSEL:
JEFFERSON D. GRIFFITH, III

* ALSO ADMITTED IN N.C.

December 4, 2017

VIA, ELECTRONIC FILING

The Honorable Jocelyn Boyd
Chief Clerk and Administrator
The Public Service Commission of South Carolina
101 Executive Center Drive
Columbia, South Carolina 29210

Re: ● Docket 2017-281-E
● Response to DEC/DEP's Counsel's Correspondence, Dated December 1, 2017

Dear Ms. Boyd:

Enclosed for filing in the above-referenced Docket, please find the Cover Sheet, the Complainants/Petitioners' Response to DEC/DEP's Counsel's correspondence, dated December 1, 2017, and Certificate of Service.

Please notify the undersigned if you there is anything else you may need.

Respectfully Submitted,

/s/ _____
Richard L. Whitt

RLW/cas

From: Snowden, Ben <BSnowden@kilpatricktownsend.com>
Sent: Friday, December 01, 2017 4:53 PM
To: josh.minges@psc.sc.gov
Cc: heather.smith@duke-energy.com; Dulin, Rebecca Jean; Frank R. Ellerbe III; Richard Whitt; abateman@regstaff.sc.gov; Toni Hawkins
Subject: RE: Letter to Hearing Examiner re Shorthorn Solar, et al v DEC/DEP (2017-281-E)
Attachments: snowden-dulin 12-1-17 (4).pdf; snowden-dulin 12-1-17 (3).pdf; snowden-dulin 12-1-17 (2).pdf; snowden-dulin 12-1-17 (1).pdf; Snowden-dulin 11-27-17.pdf

Dear Josh,

I'm sorry you are having to deal with this issue on a Friday afternoon. I don't know if Mr. Ellerbe has been in contact with his in-house counterpart, but since the hearing Ms. Dulin and I have been working through the terms of an NDA under which Duke and the Complainants can exchange confidential information. As you can see from the attached correspondence, after some back-and-forth Ms. Dulin and I reached agreement on the terms of the NDA earlier this week. I returned executed NDAs and acknowledgement forms for several of the complainants today. Duke has not yet executed the NDA but I have no reason to think they won't do so quickly.

Complainants' understanding coming out of the November 15 meeting was that having an NDA in place was a necessary next step given the highly sensitive nature of the information Duke has requested. Before receiving Mr. Ellerbe's letter this afternoon, we had no indication that respondents were dissatisfied with our efforts in this regard. If Mr. Ellerbe has such concerns in the future, I would hope that he contacts us directly before making more filings with the Commission.

I expect to have the fully-executed NDA in place early next week, after which we will provide our responses to Duke.

Thank you, and have a good weekend.

Ben Snowden
Kilpatrick Townsend & Stockton LLP
Suite 1400 | 4208 Six Forks Road | Raleigh, NC 27609
office 919 420 1719 | fax 919 510 6151
bsnowden@kilpatricktownsend.com | [My Profile](#) | [vCard](#)

**BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2017-281-E**

IN RE: Shorthorn Solar, LLC; Rollins Solar, LLC;)
 Juniper Solar, LLC; Meslam Solar, LLC;)
 Culpepper Solar, LLC; Ashley Solar, LLC;)
 Jefferson Solar, LLC; Madison Solar, LLC;)
 Fairfield Solar, LLC; Bell Solar, LLC;)
 Webster Solar, LLC; B&K Solar, LLC;)
 GEB Solar, LLC; Ross Solar, LLC;)
 Summerton Solar Farm, LLC;)
 Clarendon Solar Farm, LLC;)
 Azalea Solar LLC; Cardinal Solar LLC;)
 Sunflower Solar LLC; Cosmos Solar LLC;)
 Zinnia Solar LLC; Chester PV1, LLC;)
 Ninety-Six PV1, LLC; Newberry PV1, LLC;)
 Bradley PV1, LLC; Jonesville PV1, LLC;)
 Ft. Lawn PV1, LLC; and)
 Mt. Croghan PV1, LLC,)
)
 Complainants/Petitioners,)
)
 v.)
)
 Duke Energy Carolinas, LLC and)
 Duke Energy Progress, LLC,)
)
 Defendants/Respondents.

CERTIFICATE OF SERVICE

I, Carrie A. Schurg, an employee of Austin & Rogers, P.A., certify that I have served the Docket Cover Sheet, Complainants/Petitioners' Response to DEC/DEP's Counsel's correspondence, dated December 1, 2017, and this Certificate of Service, via electronic mail on December 4, 2017, as indicated below.

Andrew M. Bateman

Email: abateman@regstaff.sc.gov

Frank R. Ellerbe, III

Email: fellerbe@sowellgray.com

Heather Shirley Smith

Email: heather.smith@duke-energy.com

Rebecca J. Dulin

Email: Rebecca.Dulin@duke-energy.com

[Signature Page Follows]

/s/ _____
Carrie A. Schurg

December 4, 2017
Columbia, South Carolina